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1 ANDRÉ BIROTTE JR.
 United States Attorney
 2 ROBERT E. DUGDALE
 Assistant United States Attorney
 3 Chief, Criminal Division
 STEVEN R. WELK
 4 Assistant United States Attorney
 Chief, Asset Forfeiture Section
 5 U.S. Courthouse, 14th Floor
 312 N. Spring Street
 6 Los Angeles, CA 90012
 Telephone: (213)894-6166
 7 Facsimile: (213)894-7177

8 Attorneys for Plaintiff
 United States of America
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10 UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,)	NO. CV 09-09235 MMM (AGRx)
)	
13 Plaintiff,)	[PROPOSED]
)	
14 v.)	CONSENT JUDGMENT OF
)	FORFEITURE
15 206 FIREARMS and 41,725)	
16 rounds of assorted ammunition,)	
)	
17 Defendants.)	
)	
18 STEVE MITCHELL, ET AL.,)	
)	
19 Claimants)	
)	

20
 21 This action was filed on December 16, 2009. Notice was
 22 given and published in accordance with law. Steve Mitchell
 23 ("Mitchell") filed a claim on January 25, 2010 and an answer on
 24 February 11, 2010. Steven Dennis Lucas ("Lucas") filed a claim
 25 on February 19, 2010 and an answer on March 5, 2010. Sean Karlyn
 26 ("Karlyn") filed a claim on February 23, 2010. Pablo Perez
 27 ("Perez") filed a claim on February 24, 2010 and an answer on
 28 March 17, 2010. Phillip Reef ("Reef") filed a claim on March 9,

1 2010. Steven Michael Luas ("Luas") filed a claim on March 3,
2 2010. The defendant firearms claimed by Lucas, Karlyn, Perez,
3 Luas and Reef were dismissed from the action by order of April 5,
4 2010, leaving Mitchell as the sole remaining claimant. No
5 other claims or answers were filed, and the time for filing
6 claims and answers has expired. Plaintiff and Mitchell, the only
7 remaining parties, have reached an agreement that is dispositive
8 of the action. The parties have requested that the Court enter
9 this Consent Judgment of Forfeiture.

10 **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

11 1. This court has jurisdiction over the parties and the
12 subject matter of this action.

13 2. Notice of this action has been given in accordance with
14 law. All potential claimants to the defendants except Mitchell,
15 Lucas, Karlyn, Perez, Luas and Reef are deemed to have admitted
16 the allegations of the Complaint. The allegations set out in the
17 Complaint are sufficient to establish a basis for forfeiture.
18 Nothing in this agreement is intended to constitute an admission
19 of wrongdoing, or should be construed as an admission of
20 wrongdoing by Mitchell.

21 3. The defendant ammunition shall be released to Jason
22 Davis, counsel for claimant Mitchell, who shall arrange for the
23 lawful sale of the defendant ammunition, by consignment or
24 otherwise. Claimant's counsel shall not release the defendant
25 ammunition, or any of it, to claimant Mitchell, directly or
26 indirectly. The following listed defendant firearms shall be
27 sold through a Federal Firearms Licensee, specified below, and
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1 the proceeds from the sale of such firearms paid to claimant
2 Mitchell:

3 #000015 FIREARM: HANDGUN, MNF: TAURUS INTERNATIONAL, TYPE:
4 PISTOL, MODEL: RAGING BULL, CAL: 44, SN: RE651202;

5 #000016 FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: REVOLVER,
6 MODEL: 17-4, CAL: 22, SN: AFB0376;

7 #000028 FIREARM: HANDGUN, MNF: RUGER, TYPE: PISTOL, MODEL: SR9,
8 CAL: 9, SN: 330-55424;

9 #000029 FIREARM: HANDGUN, MNF: RUGER, TYPE: PISTOL, MODEL: SR9,
10 CAL: 9, SN: 330-44036;

11 #000030 FIREARM: HANDGUN, MNF: RUGER, TYPE: PISTOL, MODEL: SR9,
12 CAL: 9, SN: 330-61880;

13 #000031 FIREARM: HANDGUN, MNF: RUGER, TYPE: PISTOL, MODEL: SR9,
14 CAL: 9, SN: 330-44119;

15 #000032 FIREARM: HANDGUN, MNF: RUGER, TYPE: PISTOL, MODEL: SR9,
16 CAL: 9, SN: 330-44054;

17 #000033 FIREARM: HANDGUN, MNF: RUGER, TYPE: PISTOL, MODEL: SR9,
18 CAL: 9, SN: 330-61888;

19 #000034 FIREARM: HANDGUN, MNF: RUGER, TYPE: PISTOL, MODEL: SR9,
20 CAL: 9, SN: 330-44106;

21 #000035 FIREARM: HANDGUN, MNF: RUGER, TYPE: REVOLVER, MODEL:
22 GP100, CAL: 357, SN: 175-64005;

23 #000036 FIREARM: HANDGUN, MNF: RUGER, TYPE: REVOLVER, MODEL:
24 GP100, CAL: 357, SN: 175-64377;

25 #000039 FIREARM: HANDGUN, MNF: TAURUS INTERNATIONAL, TYPE:
26 REVOLVER, MODEL: 357 MAGNUM, CAL: 357, SN: AS508311;

27 #000041 FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: REVOLVER,
28 MODEL: 500, CAL: 50, SN: CME2427;

1 #000056 FIREARM: HANDGUN, MNF: SPRINGFIELD ARMORY,GENESE0,IL,
2 TYPE: PISTOL, MODEL: XD 40 TACTICAL, CAL: 40, SN: US199663;
3 #000057 FIREARM: HANDGUN, MNF: SPRINGFIELD ARMORY,GENESE0,IL,
4 TYPE: PISTOL, MODEL: XD 40, CAL: 40, SN: US187851;
5 #000058 FIREARM: HANDGUN, MNF: SPRINGFIELD ARMORY,GENESE0,IL,
6 TYPE: PISTOL, MODEL: XD 40 SUBCOMPACT, CAL: 40, SN: US188233;
7 #000059 FIREARM: HANDGUN, MNF: SPRINGFIELD ARMORY,GENESE0,IL,
8 TYPE: PISTOL, MODEL: XD 9 SUBCOMPACT, CAL: 9, SN: US125007;
9 #000060 FIREARM: HANDGUN, MNF: SPRINGFIELD ARMORY,GENESE0,IL,
10 TYPE: PISTOL, MODEL: XD 40, CAL: 40, SN: US189727;
11 #000061 FIREARM: HANDGUN, MNF: SPRINGFIELD ARMORY,GENESE0,IL,
12 TYPE: PISTOL, MODEL: XD 40 SUBCOMPACT, CAL: 40, SN: US185020;
13 #000063 FIREARM: HANDGUN, MNF: CZ USA, TYPE: PISTOL, MODEL:
14 CZ75D COMPACT, CAL: 9, SN: A576694;
15 #000064 FIREARM: HANDGUN, MNF: GLOCK INC., TYPE: PISTOL, MODEL:
16 19, CAL: 9, SN: NAV775;
17 #000067 FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: REVOLVER,
18 MODEL: AIRWEIGHT, CAL: 38, SN: CLZ6460;
19 #000068 FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: REVOLVER,
20 MODEL: AIRWEIGHT, CAL: 38, SN: CLZ1054;
21 #000069 FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: REVOLVER,
22 MODEL: AIRWEIGHT, CAL: 38, SN: CLZ6461;
23 #000070 FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: REVOLVER,
24 MODEL: AIRWEIGHT, CAL: 38, SN: CMB9939;
25 #000071 FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: REVOLVER,
26 MODEL: AIRWEIGHT, CAL: 38, SN: CLZ1274;
27 #000081 FIREARM: HANDGUN, MNF: RUGER, TYPE: REVOLVER, MODEL:
28 SP101, CAL: 357, SN: 574-05698;

1 #000086 FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: PISTOL,
2 MODEL: M&P, CAL: 40, SN: DSL8689;
3 #000087 FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: PISTOL,
4 MODEL: M&P, CAL: 40, SN: DSK9159;
5 #000088 FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: PISTOL,
6 MODEL: M&P, CAL: 45, SN: MRL0750;
7 #000093 FIREARM: HANDGUN, MNF: GLOCK GMBH, TYPE: PISTOL, MODEL:
8 21, CAL: 45, SN: MRR662;
9 #000094 FIREARM: HANDGUN, MNF: GLOCK GMBH, TYPE: PISTOL, MODEL:
10 21, CAL: 45, SN: MRX607;
11 #000095 FIREARM: HANDGUN, MNF: GLOCK GMBH, TYPE: PISTOL, MODEL:
12 21, CAL: 45, SN: MRR006;
13 #000096 FIREARM: HANDGUN, MNF: GLOCK GMBH, TYPE: PISTOL, MODEL:
14 21, CAL: 45, SN: MRY071;
15 #000097 FIREARM: HANDGUN, MNF: GLOCK GMBH, TYPE: PISTOL, MODEL:
16 22, CAL: 40, SN: MVB893;
17 #000098 FIREARM: HANDGUN, MNF: GLOCK GMBH, TYPE: PISTOL, MODEL:
18 19, CAL: 9, SN: LYZ517;
19 #000099 FIREARM: HANDGUN, MNF: GLOCK GMBH, TYPE: PISTOL, MODEL:
20 19, CAL: 9, SN: LYZ514;
21 #000103 FIREARM: HANDGUN, MNF: RUGER, TYPE: PISTOL, MODEL: SR9,
22 CAL: 9, SN: 330-58533;
23 #000115 FIREARM: HANDGUN, MNF: GLOCK GMBH, TYPE: PISTOL, MODEL:
24 19, CAL: 9, SN: MUP712;
25 #000116 FIREARM: HANDGUN, MNF: GLOCK GMBH, TYPE: PISTOL, MODEL:
26 19, CAL: 9, SN: NAS024;
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1 #000117 FIREARM: HANDGUN, MNF: GLOCK GMBH, TYPE: PISTOL, MODEL:
2 17, CAL: 9, SN: MXW302;

3 #000118 FIREARM: HANDGUN, MNF: GLOCK GMBH, TYPE: PISTOL, MODEL:
4 22, CAL: 40, SN: 01291DPD;

5 #000140 FIREARM: HANDGUN, MNF: SIG SAUER (SIG-ARMS), TYPE:
6 PISTOL, MODEL: GSR, CAL: 45, SN: GS17132;

7 #000141 FIREARM: HANDGUN, MNF: SIG SAUER (SIG-ARMS), TYPE:
8 PISTOL, MODEL: GSR, CAL: 45, SN: GS17143;

9 #000148 FIREARM: HANDGUN, MNF: KELTEC, CNC INDUSTRIES, INC.,
10 TYPE: PISTOL, MODEL: P40, CAL: 40, SN: 81803;

11 #000151 FIREARM: HANDGUN, MNF: CHARTER ARMS, TYPE: REVOLVER,
12 MODEL: UNDERCOVER, CAL: 38, SN: 106571;

13 #000215 FIREARM: RIFLE, MNF: UNKNOWN MANUFACTURER, TYPE: RIFLE,
14 MODEL: M1 CARBINE, CAL: 30, SN: 5456025;

15 #000222 FIREARM: RIFLE, MNF: SPRINGFIELD ARMORY, GENESEO, IL,
16 TYPE: RIFLE, MODEL: M1A, CAL: 308, SN: 208599;

17 #000275 FIREARM: HANDGUN, MNF: STAR, BONIFACIO ECHEVERRIA, TYPE:
18 PISTOL, MODEL: M, CAL: 38, SN: 19043; and

19 #000276 FIREARM: HANDGUN, MNF: TAURUS, TYPE: REVOLVER, MODEL:
20 627 TRACKER SERIES, CAL: 357, SN: C0758587.

21 The remaining defendant firearms shall be forfeited to the United
22 States government and disposed of according to law.

23 4. The United States of America shall have judgment as to
24 the forfeited defendant firearms, and no other person or entity
25 shall have any right, title or interest therein. The Bureau of
26 Alcohol, Tobacco, Firearms and Explosives ("ATF") is ordered to
27 dispose of said assets in accordance with law.
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1 5. The defendant Firearms listed in paragraph 3, above,
2 shall be released by the ATF to the custody of Federal Firearms
3 Licensee On-Target Indoor Shooting Range LLC, 27692 Camino
4 Capistrano, Laguna Niguel CA 92677, License Number 9-33-059-01-
5 3K-02205, which shall thereafter sell the firearms. Proceeds
6 from the sale of said firearms, as well as the proceeds of the
7 sale of the defendant ammunition, shall be paid to claimant
8 Mitchell. All such sales shall be conducted in accordance with
9 all applicable laws.

10 6. Claimant Mitchell hereby releases the United States of
11 America, its agencies, agents, and officers, including employees
12 and agents of the ATF, from any and all claims, actions or
13 liabilities arising out of or related to this action, including,
14 without limitation, any claim for attorneys' fees, costs or
15 interest which may be asserted on behalf of the Claimant, whether
16 pursuant to 28 U.S.C. § 2465 or otherwise. Each party waives any
17 right to appeal.

18 7. The Court finds that there was reasonable cause for the
19 seizure of the defendants and institution of these proceedings.
20 This judgment shall be construed as a certificate of reasonable
21 cause pursuant to 28 U.S.C. § 2465.
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8. The Court retains jurisdiction over this case and the parties hereto to effectuate the terms of this Consent Judgment.

DATED: January 13, 2011



THE HONORABLE MARGARET M. MORROW
UNITED STATES DISTRICT JUDGE

Approved as to form and content:

DATED: January 12, 2011

ANDRÉ BIROTTE JR.
United States Attorney
ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Criminal Division

/S/ Steven R. Welk
STEVEN R. WELK
Assistant United States Attorney
Chief, Asset Forfeiture Section

Attorneys for Plaintiff
United States of America

DATED: January 12, 2011

DAVIS & ASSOCIATES

/S/ Jason A. Davis
JASON A. DAVIS (by email authorization
1/12/11)
Attorney for Claimant Steve Mitchell